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Legal separation in the Philippines
Psychological and legal implications

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Research Article

Divorce and separation in the Philippines: Trends and correlates

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Abstract

BACKGROUND
The Philippines is the only country in the world, aside from the Vatican, where divorce is not legal. Despite the lack of divorce law in the country and the high costs of obtaining an annulment, recent data shows that a growing number of Filipinos dissolve their marital unions, either legally or informally.

OBJECTIVES
I document the rise of union dissolution cases in the Philippines, and investigate the different factors associated with Filipino women's experience of union dissolution.

METHODS
Data is drawn from the two most recent rounds of the Philippine National Demographic and Health Survey (NDHS), conducted in 2008 and 2013. Descriptive statistics and logistic regression models are used in the analysis.

RESULTS
Results reveal that education, type of first union, and childhood place of residence are significantly associated with being divorced or separated among women in the Philippines. Filipino women with higher levels of education, those who were cohabiting without ever marrying in their first union, and those who were raised in urban settings have higher risks of experiencing union dissolution than their counterparts. Religion and ethnicity are also associated with union breakdown among Filipino women.

CONTRIBUTION
This paper demonstrates that the rise in union dissolution in the Philippines has not happened in isolation. It has to some extent been influenced by the changing character of union formation in the country, the prevailing legal system, a growing acceptance of divorce, increasing education for women, and increasing urbanization.

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1. Introduction

The Philippines is the only country in the world, aside from the Vatican City, where divorce is not legal (Emery 2013). Although annulment and declaration of nullity of marriage are available to terminate some marriages in the country, they have many shortcomings, one of which is their high economic cost (Taylor 1983; Constable 2003; Lopez 2006; Lauser 2008; Calonzo and Cayabyab 2013; Daytec-Yañgot 2015). Aside from the legal and economic barriers to dissolving marriage in the Philippines, there is also a strong stigma attached to having had a union dissolved (Chant 1997a; Raposas 2008), particularly for women, who are expected to keep the marriage together (Aguilar 1987 cited in Constable 2003). Despite this confluence of factors that impede the majority of Filipinos from terminating unsatisfactory marriages, evidence still points to a growing number of Filipinos who have had their marriage dissolved or sought to have their marriage dissolved (Abalos 2011; Emery 2013). Concomitant with the rise in marital dissolution cases in the Philippines have been a host of demographic and socioeconomic changes that have swept the country in recent decades. Important demographic changes include the growing phenomenon of cohabitation, the declining proportions of male and female Filipinos who are legally married, and a slight increase in age at marriage (Kabamalan 2004; Abalos 2014a). In addition, educational attainment – already for several decades among the highest in Southeast Asia – has continued to improve, accompanied by a steady increase in female labour force participation. Urbanization has also accelerated in recent years.

Previous studies in both developed and developing countries have linked these demographic and socioeconomic changes to rises or declines in divorce rates. This paper aims to document the rise in union dissolution in the Philippines and investigate the demographic and socioeconomic factors associated with Filipino women's experience of union breakdown. While there have been previous studies on marital dissolution in the Philippines, most of these have focused on its causes (Bautista and Roldan 1995), its effects on fertility (De Guzman 1984), its impact on the well-being of women (Gultiano et al. 2009), or the couple's living arrangements after the marriage breakdown (Abalos 2011). Examining the factors associated with divorce and separation in the Philippines will improve our understanding of the nature of union dissolution in the country, and of the way it has been influenced by socioeconomic and ideational changes. As will be discussed later, there are two types of union in the Philippines: formal or legal marriage and consensual union. Previous research usually combines 'currently married' and 'living with a man as married' (Zablan and Yabut 2006; Abalos 2014a). Following this practice, I refer to women in either formal marriages or consensual unions as 'married' or 'in union.' Similarly, when these unions end, it is considered a divorce or separation. The terms 'divorced' and 'separated,'

therefore, include women who are formally divorced, women who are separated but have not gone through the legal proceedings to terminate their marriage, and women who are separated from their cohabiting partner.

2. Background literature

Divorce rates in most countries have changed in recent decades, although the pace and direction of change has differed across regions of the world (Cherlin 1992; Heaton, Cammack, and Young 2001). Rises in divorce rates have been recorded in most Western and some East Asian countries, while at the same time declines have been observed in some Islamic Southeast Asian countries until recently (Goode 1993; Dommaraju and Jones 2011; Cammack and Heaton 2011). Ideological and structural changes associated with modernization and economic development figure prominently as explanations advanced for increases in marital disruption, although the causality and contributions of individual factors are still not clear (Heaton, Cammack, and Young 2001). Curiously, the same factors associated with modernization (e.g., increasing female labour force participation and ideational change) that ushered in the rise in divorce rates in Western countries also contributed to the falling divorce trends in Southeast Asian Islamic countries, although the mechanisms involved were different (Jones 1997). For instance, increasing female participation in the labour force encouraged divorce among women in the West by enabling them to become financially independent, increasing marital friction over household management arrangements, and exposing women to alternative potential partners in the work environment (Jones 1997). These effects are also evident in Islamic Southeast Asian countries, but they have been outweighed by other divorce-reducing effects, such as links with rising educational levels and self-arranged marriage, which eventually led to greater commitment to chosen partners (Jones 1997).

The factors associated with modernization and economic development that are usually invoked to explain changes in divorce trends in both developed and developing countries are varied, but those that consistently emerge include increasing employment and educational opportunities for women, and increasing age at marriage (Guest 1992; Carmichael, Webster, and McDonald 1997; Jones 1997; Heaton, Cammack, and Young 2001; Hirschman and Teerawichitchainan 2003; Teerawichitchainan 2004). These factors have also been found to be significant correlates of marital dissolution in most countries, along with factors such as type of union, urban-rural residence during childhood, ethnicity, and religion.

2.1 Education

The influence of education on divorce can be negative or positive, depending on the cost of marital dissolution. It is expected that level of education will be positively associated with divorce in settings where marital dissolution is uncommon and its legal, social, and economic costs are high (Park and Raymo 2013). Goode (1993) argues that this positive association weakens when the prevalence of divorce increases and the practice becomes commonly accepted. Eventually this positive association may become negative once the legal, social, and economic costs of terminating a marriage are reduced, as financial problems concentrated among the poorer segment of a society become the primary reason for marital dissolution (Goode 1963). Evidence supporting these relationships has been documented in different countries. For instance, a positive educational gradient has been found in Italy and Spain, where divorce is still not prevalent and its social and economic costs are high (Härkönen and Dronkers 2006). By contrast, a negative gradient has been found in the Netherlands and the United States, where the incidences of divorce are high and the associated costs relatively low (Raley and Bumpass 2003; De Graaf and Kalmijn 2006). The same negative relationship is also observed in some Southeast Asian Islamic countries, where the incidences of divorce have been historically high and the social cost of divorcing has been low (Jones 1997; Hirschman and Teerawichitchainan 2003). There are countries, however, that deviate from these expected relationships between education and divorce rates. For example, in Japan and Korea, where the social and economic costs of divorce are still high, negative educational gradients have been observed (Raymo, Iwasawa, and Bumpass 2004; Ono 2009; Raymo, Fukuda, and Iwasawa 2012; Park and Raymo 2013). This unexpected relationship remains unexplained, but Park and Raymo (2013) speculate that factors like the rapid increase in educational attainment in Korea and educational differences in the pace and magnitude of changes in attitudes toward marriage (and divorce) or in gender division of labour within marriage might help elucidate this relationship. Similar results have been found in India, where education has been shown to promote marital stability (Dommaraju 2016). Dommaraju (2016: 216) attributes this to the role of education in providing women with "greater say in marriage, greater bargaining power, and greater gender equity – all of which could contribute to stronger marital bonds."

2.2 Age at marriage

One of the enduring findings in studies of the determinants of divorce is the significant role of age at marriage (Carmichael 1988; Alam, Saha, and van Ginneken 2000; Heaton, Cammack, and Young 2001; Hirschman and Teerawichitchainan 2003;

Teerawichitchainan 2004; Jennings 2016). Individuals who marry at a young age are more likely to divorce because they are less mature and less knowledgeable, are still caught up in the rapid changes that they go through in their adolescent years, and spend less time searching for compatible partners (Booth and Edwards 1985; South and Spitze 1986; Thornton and Rogers 1987).

2.3 Type of union

The type of union has also been shown to be associated with the risk of dissolution, with individuals in consensual unions having higher rates of dissolution than those in formal marriages (Andersson 2002; Heuveline, Timberlake, and Furstenberg 2003; Jensen and Clausen 2003). One explanation for the difference in the dissolution rates between married and cohabiting couples is the selection hypothesis, which holds that cohabitation is selective of individuals who possess distinctive characteristics less frequently found among those who do not cohabit prior to marriage, and these differences make them more vulnerable to divorce (Hall and Zhao 1995; Liefbroer and Dourleijn 2006). For example, compared with noncohabitors, cohabitors are likely to be more open to unorthodox family ideologies (Booth and Johnson 1988; Stets and Straus 1989; Thomson and Colella 1992; Axinn and Thornton 1992) and are more likely to have socioeconomic and personality characteristics that are associated with higher likelihoods of union dissolution (Hall and Zhao 1995; Berrington and Diamond 1999).

2.4 Childhood place of residence

The environments where women grew up have also been shown to influence their experience of marital dissolution. Women reared in urban settings tend to have higher union dissolution rates than women who grew up in rural areas (Balakrishnan et al. 1987; Lillard, Brien, and Waite 1995; Liefbroer and Dourleijn 2006).

People's exposure to unconventional behaviour and attitudes, which are usually associated with urban life, is often thought to be responsible for the higher likelihood of marital dissolution among urban dwellers (Fischer 1995).

2.5 Other factors

Some of the other factors that have been found to be associated with marital dissolution and will be examined in this study are religion, ethnicity, and birth cohort (Lehrer and Chiswick 1993; Wu and Balakrishnan 1995; Hirschman and Teerawichitchainan 2003;

Hewitt, Baxter, and Western 2006; Dommaraju 2016). In general, Catholics have been shown to have lower divorce rates than people from other religious groups, probably because the Catholic Church discourages divorce, thereby increasing the costs of ending an unsatisfactory marriage (Wu and Balakrishnan 1995). Meanwhile, in Southeast Asia, differentials across sociocultural, ethnic, and religious groups still persist, with the Muslim populations of Indonesia (Sundanese, Javanese, and Madurese), Malaysia (Malay), and Thailand registering very high divorce rates, the Thai Buddhist population having a moderate level of divorce, and the Balinese, Malaysian Chinese and Indians, and Thai Chinese all having very low divorce rates (Hirschman and Teerawichitchainan 2003). Finally, earlier studies found that people in older cohorts were less likely to have experienced marital breakdown than more recent birth cohorts (Hewitt, Baxter, and Western 2006).

Other determinants of marital dissolution that have been examined in previous studies (but will not be investigated here due to data limitations) include female employment, age differences between spouses, presence of children, marital duration, and previous history of marital breakdown (Alam, Saha, and van Ginneken 2000; Bhuiya et al. 2005; Dommaraju 2016; Jennings 2016).

The rest of the paper is divided into three sections. The first section provides a brief overview of union formation in the Philippines and describes some of the salient changes in marriage patterns that are likely to have impacted on union breakdown among Filipinos. The second section examines the state of marital dissolution in the Philippines by describing the historical and legal contexts of divorce legislation in the country, the trends in marriage breakdown, and prevailing attitudes to divorce among Filipinos. The final section presents a multivariate analysis of the demographic and socioeconomic factors associated with Filipino women's experience of union dissolution.

3. Union formation in the Philippines

Marriage as an institution is strongly revered in the Philippines (Gultiano et al. 2009).It usually takes the form of either legal marriage (through a church or civil wedding) or living with a partner, but the majority of marriages in the Philippines are legal (Xenos 1997; Gultiano et al. 2009). Most marriages in the country are celebrated in a church, since this is the most socially acceptable type of union (Vancio 1980), although civil marriages and living with a partner have also become common. Couples who are in consensual unions or are cohabiting view the union as permanent, but without the ceremony of a formal marriage (Xenos and Kabamalan 2007). This type of union is also more common among those of lower socioeconomic status (Williams, Kabamalam, and Ogena 2006; Vancio 1980). Marriage in the country not only unites two individuals: it

unites their respective families as well (Medina 2015). Given that marriages between Filipinos are family alliances, parents seek to influence their children's choices of potential partners in order to ensure stability of marriage or upward family mobility (Xenos and Kabamalan 2007). This family influence, however, is not particularly strong among the less affluent strata of society where the Catholic Church has weaker influence (Xenos and Kabamalan 2007). Although parents still influence the mate-selection processes of their children, this influence has somewhat weakened over time. Scholars report that in the past children's marriages were contracted before they were even born (Jocano 1975), but more recently most Filipinos have chosen their own marriage partners (Quisumbing 1963; Vancio 1980; Cheung et al. 1985). This loosening of the control of kin over the young has also been identified as one of the factors underpinning the growing fragility of Filipino marriage, especially in urban areas (Medina 2001). Moreover, since mate selection has become mostly an individual decision, Filipinos are less constrained by their parents' influence and able to spend more time finding potential marriage partners.

Given these changes in mate selection in the country, it is not surprising that age at marriage in the Philippines is relatively high, and has been increasing over time (Ogena, Kabamalan, and Sasota 2008; Abalos 2014a). Table 1 reveals that in the last six decades the average age at marriage in the country increased from 22.2 years to 24.4 years among women and from 24.9 years to 27.0 years among men. This increasing marriage postponement among Filipinos is associated with their need to pursue advance education in order to boost their chances of upward social and economic mobility (Rodell 2002; Abalos 2014a). Although the overall proportion of Filipinos aged 10 years and over who are never married is declining, there are certain age groups where the proportion never married is increasing – for example, ages 20–29. Permanent celibacy, as indexed by the proportion never married at ages 40–49, is also increasing, particularly among men (Williams and Arguillas 2012). These trends have been accompanied by an increasing prevalence of cohabitation in the country and declining proportions legally married (Kabamalan 2004; Xenos and Kabamalan 2007; Abalos 2014a). As can be seen in Table 1, the proportion of Filipino women legally married declined from 48.9% in 1990 to 45.7% in 2010, while over the same period the proportion in consensual unions increased from 0.2% to 5.5%. Economic reasons tend to partly explain the increasing proportion of Filipinos who cohabit, but the absence of divorce in the country may also have contributed to this trend. The growing popularity of cohabitation may well be recent, but the practice itself has long been documented in the past. The earliest estimates of cohabitation in the Philippines were recorded in the 1903 Philippine census, when 1.6% of men (115,129) and 1.7% of women (118,541) were recorded as consensually married. Although cohabitation has long existed in the Philippines there remains a strong norm against it and it is not yet considered fully

acceptable (Kabamalan 2004; Williams and Guest 2005; Williams, Kabamalan, and Ogena 2006). More recent data, however, suggests that there is a growing acceptance of this type of union (Abalos 2014b). This changing character of union formation in the Philippines is accompanied by the changing character of union dissolution. As will be demonstrated in the succeeding sections, the number and proportion of Filipinos who are divorced and separated have been increasing in recent decades. This increasing prevalence of union dissolution has also been accompanied by growing approval of legalization of divorce in the country, despite the very high economic and social costs associated with it. Concomitant with these changes in union formation and dissolution have been significant demographic and socioeconomic changes, including expanding education and employment opportunities for women and increasing urbanization, which are thought to influence the character of both union formation and union dissolution.

Table 1: Trends in age at marriage and marital status distribution in the Philippines

		Marital status (%)						
Year	Mean age at first marriage	Never married	Married/ cohabiting	Formally married	Living together	Widowed	Divorced or separated	Unknown
Women								
1960	22.2	43.7	49.3	–	–	6.4	0.6	0.0
1970	22.8	46.3	47.2	–	–	5.8	0.6	0.2
1980	22.4	42.8	50.6	–	–	5.8	0.7	0.1
1990	23.8	44.1	49.0	48.9	0.2	5.9	0.8	0.1
2000	23.9	41.4	50.0	45.8	4.2	6.2	1.2	1.1
2010	24.4	40.4	51.3	45.7	5.5	6.7	1.6	0.1
Men								
1960	24.9	48.0	49.0	–	–	2.7	0.3	0.0
1970	25.4	50.4	47.0	–	–	2.1	0.3	0.2
1980	24.8	46.8	50.7	–	–	2.1	0.4	0.1
1990	26.3	49.1	48.6	48.5	0.1	1.8	0.4	0.1
2000	26.5	46.4	49.8	45.5	4.3	2.0	0.7	1.1
2010	27.0	46.8	50.2	44.9	5.3	1.9	0.9	0.1

Source: 1960–2010 Philippine Censuses.

4. Marital dissolution in the Philippines

4.1 Historical and legal context

Aside from the Vatican City, the Philippines is the only country in the world where divorce is not legal (Emery 2013), although the practice has a long history in the Philippines setting (Fisher 1926; Fernandez 1976). Indeed, the prevalence of divorce among Filipinos was pointed to as one of the obstacles to Spanish efforts to introduce the Catholic sacrament of matrimony to the Philippines (Phelan 1959). During the precolonial period, divorce was practiced by some ancestral tribes in the Philippines – particularly among the Tagbanwans of Palawan, the Gadangs of Nueva Viscaya, the Sagadans and Igorots of the Cordilleras, and the Manobos, B'laans, and Moslems of the Visayas and Mindanao islands (House of Representatives, Republic of the Philippines 2010). During this period, economic sanctions were imposed on the spouse who caused the separation, or, in the absence of a clear cause, on the spouse who initiated the divorce or separation (Fernandez 1976). For example, when a husband separated from his wife because she had had an adulterous relationship, the wife was required to pay a fine, in addition to returning the dowry. However, the dowry was not returned in cases where the wife left her husband due to the latter's fault (Fernandez 1976).

During the Spanish colonization of the Philippines and following the introduction of Christianity, divorce was prohibited and only legal separation was allowed (Fisher 1926). Divorce was again permitted during the American period (1898–1943, 1945–1946) through Act No. 2710, but the grounds were limited to adultery by the wife and concubinage on the part of the husband (Reyes 1953; Feliciano 1994). These grounds were briefly expanded during the Japanese occupation (1941–1945) with the promulgation of a new divorce law, Executive Order No.141, but this was repealed when the Commonwealth Government under the Americans was established in 1944, and Act No. 2710 was reinstated (Reyes 1953; Juco 1966; Bernardo 1998; Daytec-Yangot 2015). Six years later, Act No. 2710 was itself repealed with the introduction of the Civil Code of the Philippines on 30 August 1950 (Nolledo 1997). Under the Civil Code only legal separation was allowed. The Family Code of the Philippines (Executive Order No. 209) took effect on 3 August 1988, and it replaced the Civil Code's provisions on marriage and the family (Fenix-Villavicencio and David 2000). Under the Family Code, divorce is not allowed in the Philippines, except for Filipinos who are married to foreigners and seek divorce in another country and Filipino Muslims who are governed by the Code of Muslim Personal Laws of the Philippines (Lopez 2006). The Family Code, however, provides three measures that allow spouses to seek relief from a marriage: a) legal separation, b) annulment of marriage, and c) declaration of nullity of marriage (Gloria 2007). Legal separation allows the couple to live separately but

restrains them from remarrying because the prior marriage still legally exists (Fenix-Villavicencio and David 2000; Constable 2003; Emery 2013). Some of the grounds for legal separation include repeated physical violence or grossly abusive misconduct, drug addiction or habitual alcoholism, lesbianism or homosexuality, and sexual infidelity or perversion (Nolledo 1987). A declaration of nullity of marriage presupposes that the marriage was not only defective but also null and void at the time it was celebrated. The marriage is considered not to have been contracted and the spouses can remarry after fulfilling certain requirements (Gloria 2007). Some examples of voidable marriages include those where either spouse was below 18 years of age, even if their parents or guardians consented to the marriage, and those that were solemnized by someone who had no legal authority to solemnize marriages. An instance where either spouse is found to be "psychologically incapacitated to comply with the essential marital obligations of marriage" is also considered to void the marriage, even when manifestation of the incapacity occurs after the solemnization of the marriage (Nolledo 1987: 10). Finally, in annulment the marriage is declared to have been defective at the time of celebration, but is considered valid until the time it is annulled (Fenix-Villavicencio and David 2000). Hence, prior to the annulment the parties cannot remarry (Gloria 2007). Some of the grounds for annulment of marriage include incapacity of either spouse to consummate the marriage, either spouse having a sexually transmitted disease, the consent of either spouse having been obtained through fraud, or either spouse having been of unsound mind (Nolledo 1987).

Although legal means are available to terminate marriage in the Philippines, Filipino couples rarely resort to them because of their prohibitive cost, the very long legal procedure involved, and the lack of any guarantee that they will be granted (Taylor 1983; Lopez 2006; Emery 2013; Calonzo and Cayabyab 2013). In Metro Manila, attorneys' fees for matrimonial dissolution cases range from approximately P20,000 to P1,000,000 (USD 398 to USD 19,878[2]), or more for complex cases, with an average fee of P50,000 (USD 994) (Lopez 2006: 95). This does not include filing fees and other related expenses. In addition to these costs, some groups lament the inadequacy of available legal measures to respond to the many causes of marriage failure (Bernardo 1998). Declarations of nullity of marriage and annulment do not cover problems that occur during the course of marriage, while legal separation, although it covers problems that arise during the marriage, does not terminate it and allow the parties to enter new marriages (Bernardo 1998; Daytec-Yangot 2015). These factors have led some groups, particularly women's groups, to file a series of divorce bills in the Philippine Congress. Advocates of divorce law in the Philippines argue that divorce will liberate women from the bondage of marital violence and will promote the well-being not only of spouses but also of children from broken marriages (Fenix-

[2] 1 Philippine peso= 0.020 US Dollar.

Villavicencio and David 2000; Miller 2008; Jacob 2013). "Children conceived or born out of a void or annulled marriage are considered illegitimate and an amended birth certificate indicating the new civil status of the children affected is ordered by the court, unless the judgment of nullity or annulment was based on Articles 36 and 53 of the Family Code" (Jacob 2013: 24). Some argue that once divorce is legalized and has been accepted in the Philippines, the stigma associated with being the 'second' family or 'anak sa labas' (an illegitimate child) will be eliminated (Jacob 2013). Although several divorce bills have been filed in the Philippine Congress, none has yet succeeded, due in part to very strong opposition from the Catholic Church (Taylor 1983; Pamfilo 2007; Miller 2008). The Roman Catholic Church and those against any divorce bill believe that "divorce is unconstitutional, that it is anathema to Filipino culture, that it is immoral, that it will destroy the Filipino family, that it will legalize promiscuity, that it will contribute to the increase in broken families, that it will be abused by spouses who find it easier to give up on their marriage rather than try to reconcile their differences, that it will lead to custody battles, and that it will be detrimental for the children" (Gloria 2007: 18).

The Catholic Church argues that divorce is unnecessary in the Philippines because there are already provisions in the Family Code to end an unsatisfactory marriage.

4.2 Trends in union dissolution in the Philippines

The Family Code of the Philippines defines marriage as a "special contract of permanent union between a man and a woman entered into in accordance with law for the establishment of conjugal and family life." Given the permanence of marriage in the country, the prevalence of marital dissolution is very low. This low proportion, particularly of persons who are formally separated, can also be attributed to the fact that obtaining a legal separation or annulment is difficult and expensive, so that these remedies are not normally available to the common people (Lauser 2008). Other factors that contribute to the relatively low rate of marital dissolution in the country include the Filipinos' attachment to their kin, their concern not to ruin their family's reputation, and the prevailing child-centeredness of the Filipino culture (Chant 1997b). Table 2 presents the numbers and proportions of Filipinos 10 years of age and older classified as divorced or separated in Philippine censuses since 1960. The table shows that since that date the male and female proportions have both trebled, while the absolute numbers have increased more than 10-fold. In 1960 there were 28,988 Filipino men and 52,187 Filipino women who were divorced or separated. By 2010 these numbers had increased more than 10-fold to 330,253 men and 565,802 women. As in other geographic settings, the higher number of women than of men who are divorced or separated could be due to higher repartnering rates among men than women (Dommaraju 2016). Data from the

Philippine Demographic and Health Surveys (DHS) also reveals that the proportion of Filipino women aged 15 to 49 who were divorced or separated increased from just under 2% in 1993 to about 4% in 2013 (NSO and Macro International Inc. 1994; Philippine Statistics Authority (PSA) and ICF International 2014).

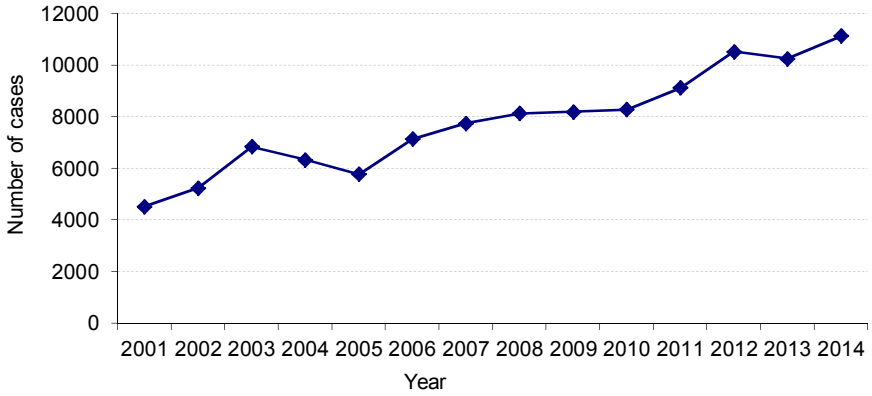
Table 2: Numbers and proportions of Filipinos aged 10 years and older divorced and separated 1960–2010

	Men		Women	
Year	Number	Percentage	Number	Percentage
1960	28,988	0.32	52,187	0.57
1970	40,130	0.33	77,018	0.61
1980	59,257	0.35	122,987	0.72
1990	93,695	0.43	186,441	0.85
2000	202,007	0.71	356,016	1.25
2010	330,253	0.92	565,802	1.58

Source: 1960–2010 Philippine Censuses.

Similar upward trends can also be observed in data on numbers of annulment and nullity cases filed at the Office of the Solicitor-General (OSG), where cases increased from 4,520 in 2001 to 11,135 in 2014 (Figure 1). The majority of these cases were filed by wives (61%), of whom 91% were 30 years old or younger. A large majority (80%) of husbands who initiated cases were also 30 years old or younger. About 4 in 10 of those who filed cases had been married for five years or less. National surveys have also shown that marital dissolution is very common among the young, and typically occurs during the earlier years of marriage (Abalos 2011). Meanwhile, another study in Metro Manila has also shown that marital dissolution is more common among the poor (Medina et al. 1996). In a survey of petitioners involved in nullity cases, the most common reasons given for petitioning can be broadly grouped as follows: 1) adultery and desertion; 2) substance abuse (drugs and alcohol) without, or usually with verbal or physical/sexual abuse; 3) immaturity; 4) conflicts about in-laws and finances; 5) psychiatric disorder/neurosis/psychosis; and/or 6) sexual dysfunctions (Dayan et al. 2001 cited in Pamfilo 2007:429).

Figure 1: Number of nullity and annulment cases per year, Philippines: 2001–2014



Source: Office of the Solicitor General.

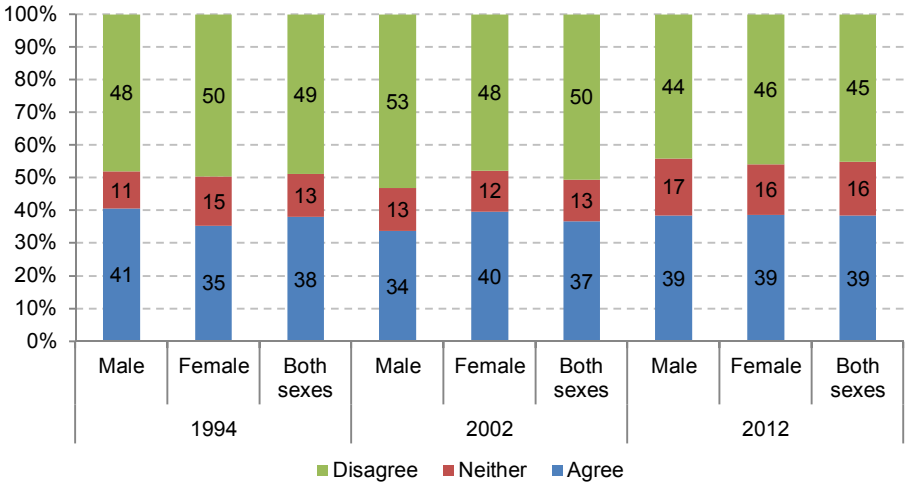
It is possible that the numbers of dissolved unions reported in censuses and other official statistics are underreported for several reasons. Those who have found new partners report themselves as in consensual unions in some surveys, while those who are abandoned or deserted by their spouses may report themselves as married instead of separated in censuses (Medina 2001). The stigma associated with being separated or divorced, especially among the middle class, also contributes to the undercounting of divorced and separated Filipinos in official statistics (Medina et al. 1996).

4.3 Trends in attitudes towards divorce in the Philippines

The increasing prevalence of union dissolution in the Philippines has been accompanied by changing attitudes toward divorce (Bulatao 1978; Mangahas 2012). In the past, only a minority of Filipinos approved of a divorce law being introduced in the Philippines (Bulatao 1978), but public approval of divorce has been changing. Consistently, over the last 20 years, roughly 40% of Filipinos aged 18 years or over have agreed to the statement "Divorce is usually the best solution when a couple can't seem to work out their problems" (Figure 2). Although this proportion barely changed between 1994 and 2012, the proportion that disagreed declined slightly, from 49% in 1994 to 45% in 2012. Meanwhile, the proportion ambivalent about divorce rose slightly, from 13% to 16%. A similar but much more recent indicator, however, reveals that Filipinos have

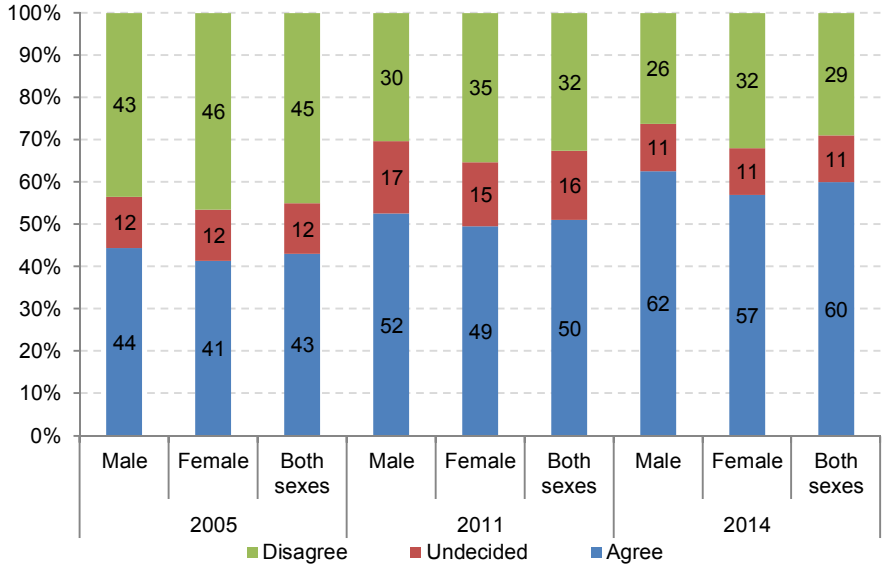
become more open to the idea of divorce, as evidenced by increasing agreement with the statement "Married couples who have already separated and cannot reconcile anymore should be allowed to divorce so that they can get legally married again" (Figure 3). In 2005 the proportion of Filipinos aged 18 years and over who agreed with this statement was only 43%, but this had increased to 60% by 2014. Approval of this statement was higher among men than women, and this gender difference widened between 2005 and 2014. In 2005, 44% of men and 41% of women agreed with it. Corresponding percentages in 2014 were 62% for men and 57% for women. If these figures are any indication, it is likely that a much more liberal attitude toward divorce is emerging, but whether this openness to divorce will translate to legislation remains an open question.

Figure 2: Attitude towards the statement: "Divorce is usually the best option when couple can't seem to work out their marriage problems" by sex, Philippines: 1994–2012



Source: Computed by author from the International Social Survey Programme (ISSP) Data on Family and Changing Gender Roles.

Figure 3: Attitudes toward the statement "Married couples who have already separated and cannot reconcile anymore should be allowed to divorce so that they can get legally married again," by sex, Philippines: 2005–2014



Source: Social Weather Stations (SWS) 2015.

5. Data and methods

Data for this analysis is drawn from the two most recent rounds of the National Demographic and Health Survey (NDHS), conducted in the Philippines in 2008 and 2013. Each survey collected comprehensive information on women's reproductive health, marriage timing, contraceptive methods, and other sociodemographic characteristics (PSA and ICF 2014). Women of reproductive age (15–49) were interviewed regardless of marital status, but the analysis here is limited to ever married women, excluding those who were widowed. Furthermore, only women married only once are included, because previous research has shown that higher-order marriages are more likely to be dissolved and that the factors associated with dissolution of higher-order marriages tend to be different from those associated with dissolution of first marriages (Booth and Edwards 1992). In addition, some important explanatory variables used in the study, such as age at first union and type of union, are only

pertinent to the first union. The analysis is also limited to unions that occurred less than 20 years previously, as marital dissolution tends to happen within the first 20 years (Clark and Brauner-Otto 2015). A total of 13,470 women are included in the analysis, of which 601 (4.54%) were divorced (8) or separated (593). Details of the methodology and sampling procedures used in these surveys can be found elsewhere (NSO and ICF Macro 2009; PSA and ICF 2014).

5.1 Dependent variable

The main outcome variable is the marital status of the woman at the time of the survey, categorized as currently married (including living together) or divorced/separated. The main interest of this paper is in women who have had their unions dissolved compared to those who are still in a union. Thus, those in formal marriages and those living together are lumped together, although the type of first union is included as one of the correlates in the multivariate analysis.

Although age at union was collected in the surveys, age at which the union was dissolved was not, so it is not possible to examine the timing of marital dissolution. Thus, the sample consists of women whose unions had dissolved at different periods. Bearing this in mind, the set of explanatory variables used to examine union dissolution are indicators that are unlikely or relatively unlikely to change over a woman's postmarriage life course, such as her birth cohort, education, childhood place of residence, religion, and ethnicity. Logistic regression is used to identify which of these explanatory variables are significant predictors of union dissolution among Filipino women.

5.2 Explanatory variables

'Education' refers to the highest grade completed by the respondent and is categorized into below secondary, secondary, or above secondary education. Earlier research has shown that education is a relatively stable indicator of socioeconomic status that is established early in adulthood and tends to vary only slightly after marriage (Tzeng and Mare 1995; Hewitt, Baxter, and Western 2006). Since divorce and separation are relatively uncommon in the Philippines and their social and economic costs are still high, it is expected that marital dissolution would be concentrated among highly educated women. Highly educated women in the Philippines tend to be active in the labour force and to have the economic independence to separate from their husbands, either formally or informally, when a marriage becomes unbearable. Women with

higher levels of education may also perceive themselves as financially self-reliant, thereby increasing the likelihood of union dissolution (Jennings 2016).

'Age at first union' refers to the age at which the woman started living with her husband. As has been found in earlier studies, Filipino women who enter unions very early would be expected to have a higher risk of divorce or separation than those who enter unions later.

'Type of union' indicates whether the first union was a formal marriage or a consensual union. The former may include women who cohabited before getting legally married, while the latter comprises only women who cohabited and did not formally marry in their first union. Given the lower stability of consensual unions compared to formal marriages, Filipino women who enter consensual unions are hypothesized to be more likely to experience union dissolution than their legally married counterparts.

'Childhood place of residence' is a dichotomous variable indicating whether the respondent lived in an urban or a rural area during childhood. The questions in the two surveys were slightly different, although both captured the woman's urban exposure during childhood. In the 2008 survey the question was "For most of the time until you were 12 years old, did you live in a city, in a town/poblacion, in the barrio or rural area, or abroad?" In the 2013 survey the question was "At the time of your birth, did your mother usually live in a city, in a town proper/poblacion or rural area, or abroad?" Filipino women who grew up in urban areas are expected to have been more disposed to union dissolution because an "urban environment reduces the role of traditional norms and ethos that in the past helped to keep marriages intact – even when the couples appeared to be incompatible" (Takyi 2001: 83).

Other explanatory variables include birth cohort, survey year, ethnicity, and religion. Birth cohorts are grouped into 1958–1969, 1970–1979, 1980–1989, and 1990–1998. The variable is included to assess changes in the character of union dissolution by comparing the union dissolution experiences of women born in different periods. It is also meant to capture the various cultural, socioeconomic, and political factors that may have impacted the life experiences of these women. Earlier research has shown that more recent generations are more likely to have experienced marital dissolution than older generations (Heaton 1991). Thus, it is hypothesized that the most recent cohort of Filipino women will exhibit a greater likelihood of having experienced union dissolution than their older counterparts.

Since the Philippines is home to more than a hundred ethnic groups, ethnicity is also included as an explanatory variable in order to capture the main dimensions of ethnic diversity and take into account the varying cultural practices and beliefs of Filipino women. In certain ethnic groups in the precolonial Philippines divorce was very common (Delos Angeles 1965), and these groups might even today be more likely to end their unions through divorce or separation. In addition, specific ethnic groups in

the Philippines have traditional practices that may still influence decisions to dissolve unions. For example, among Ilocanos, where sabong or 'land dowry' was practiced, separation meant land loss on the part of the husband because the land was given to the wife because she is the prospective mother of his heirs (Scheans 1965). However, due to limited sample size, only the five major groups are considered in this study. These are Tagalog, Cebuano, Ilocano, Ilonggo, and Bicolano. All other ethnic groups are lumped into the category 'other'.

Finally, religion is also included to control for the different marriage laws that govern members of different religious groups in the Philippines. Divorce is not legal for the majority of Filipinos, who are predominantly Catholic, but is legal for Muslim Filipinos. Religion, through its ideological and theological principles, may also influence the value people place in marriage (Takyi 2001). For instance, the Catholic hierarchy in the Philippines strongly opposes divorce and encourages its flock to resolve marital woes and keep their marriages intact. Religion is categorized into Roman Catholic, Islam, and other religions. 'Other' religion includes Protestants, Iglesia ni Kristo, other religious denominations, and those with no reported religion.

6. Results

6.1 Descriptive analysis

Table 3 presents the profile of respondents across several demographic and socioeconomic characteristics. Most of the respondents were born in the 1970s and 1980s. More than a third (35.7%) married as teenagers while less than 10% married in their 30s. About a quarter (23.9%) of the women in the sample were cohabiting in their first union. The majority of respondents had been raised in rural areas (63.3%), and most had postprimary levels of education. Close to half (48%) had secondary education while more than a third (34.4%) had above secondary education. Overwhelmingly, respondents were Catholic (79.1%), while only about 5% were Muslim. Ethnically, most were either Tagalog (31.7%) or Cebuano (20.9%). Less than 10% were Ilonggo (9.2%), Ilocano (8.6%), and Bicolano (6%).

Table 4 shows the proportions of divorced and separated women across different characteristics. It reveals that union dissolution in the Philippines is highest among the youngest (7%) and the oldest (5.7%) cohorts of Filipino women of reproductive age. There is not much variation in union dissolution by age at marriage. The prevalence of union dissolution is significantly higher among those who cohabited (12.8%) compared to those were legally married (2.3%) in their first union. Experience of union breakdown is nearly twice as high among women who grew up in urban areas (6.9%) than among those raised in rural areas (3.6%). The proportion of women divorced or

separated is also slightly higher among those with secondary (5.0%) and above secondary education (5.3%) than among those with less than secondary education (3.3%). Finally, union dissolution is much more common among Catholic and Tagalog women than among their religious and ethnic counterparts.

Table 3: Percentage distributions of respondents by background characteristics

Background characteristics	N of cases	Percentage
Birth cohort		
1958–1969	1,431	11.0
1970–1979	5,194	39.1
1980–1989	5,510	40.3
1990–1998	1,335	9.6
Age at marriage		
Under 20	4,994	35.7
20–24	5,186	38.7
25–29	2,358	18.3
Above 29	932	7.2
Type of first union		
Consensual union	3,071	23.9
Legal marriage	10,399	76.1
Childhood place of residence		
Rural	8,907	63.3
Urban	4,541	36.7
Education		
Below secondary	2,609	17.7
Secondary	6,309	48.0
Above secondary	4,552	34.4
Religion		
Roman Catholic	10,186	79.1
Islam	992	5.3
Other religion	2,286	15.7
Ethnicity		
Tagalog	3,428	31.7
Cebuano	2,948	20.9
Ilocano	1,307	8.6
Ilonggo	1,184	9.2
Bicolano	743	6.0
Others	3,860	23.7
Total N of cases (Unweighted)	13,470	

Table 4: Prevalence of union dissolution among Filipino women by background characteristics

Background characteristics	Percentage	P values
Birth cohort		0.000
1958–1969	5.7	
1970–1979	4.0	
1980–1989	4.9	
1990–1998	7.0	
Age at marriage		0.073
Under 20	5.3	
20–24	4.7	
25–29	4.0	
Above 29	5.4	
Type of first union		0.000
Consensual union	12.8	
Legal marriage	2.3	
Childhood place of residence		0.000
Rural	3.6	
Urban	6.9	
Education		0.001
Below secondary	3.3	
Secondary	5.0	
Above secondary	5.3	
Religion		0.001
Roman Catholic	5.2	
Islam	3.0	
Other religion	3.7	
Ethnicity		0.000
Tagalog	6.7	
Cebuano	4.8	
Ilocano	3.8	
Ilonggo	3.5	
Bicolano	3.4	
Others	3.6	

6.2 Multivariate analysis

Table 5 presents the results of the regression analyses examining the factors associated with union dissolution in the Philippines. Coefficients presented in the table are expressed as ratios of the odds of being divorced or separated as opposed to being in an

intact union for each category, compared with the odds for the reference category for each variable. The results reveal that except for age at union, all factors included in the model are significantly independently associated with the risk of having experienced union dissolution among Filipino women of reproductive age. Women born more recently are less likely to have experienced union dissolution than women in the earliest cohort. For instance, the odds of having experienced union dissolution are 86% lower for the youngest birth cohort than for the oldest one. The odds of experiencing union dissolution is nine times higher among Filipino women who are in a consensual union compared to those who are legally married. The multivariate analysis also confirms the magnitude and direction of the educational differences seen in the bivariate analysis. Increasing education is associated with elevated risk of union dissolution among Filipino women. The odds of union breakdown are 44% higher among women with secondary education than among those with less than secondary education. Meanwhile, Filipino women with above secondary education are twice as likely to have their unions dissolved as those with less than secondary education. Childhood place of residence is also associated with higher odds of experiencing union dissolution. The odds of suffering from union breakdown are 47% higher among women who were raised in urban areas compared with women who grew up in rural areas. Given the lack of legal restrictions, Muslim women are more prone to divorce or separate than their Catholic counterparts. Finally, Ilonggo, Bicolano, and women in other ethnic groups have significantly lower odds of union dissolution relative to their Tagalog counterparts.

Table 5: Logistic regression analyses predicting the odds of union dissolution among women in the Philippines

Background characteristics	Odds ratio	P values
Birth cohort		
1958–1969 (reference)		
1970–1979	0.45	0.000
1980–1989	0.23	0.000
1990–1998	0.14	0.000
Year		
2008	0.73	0.001
2013 (reference)		
Age at first union	0.91	0.121
Age at first union squared	1.00	0.595
Type of first union		
Consensual union	9.02	0.000
Legal marriage (reference)		

Table 5: (Continued)

Background characteristics	Odds ratio	P values
Level of education		
Below secondary (reference)		
Secondary	1.44	0.007
Above secondary	2.00	0.000
Childhood place of residence		
Urban	1.47	0.000
Rural (reference)		
Religion		
Catholic (reference)		
Islam	1.74	0.029
Other religion	0.92	0.494
Ethnicity		
Tagalog (reference)		
Cebuano	0.83	0.110
Ilocano	0.79	0.182
Ilonggo	0.69	0.029
Bicolano	0.57	0.009
Other ethnic group	0.73	0.015
Constant	0.24	0.049
Model chi-square	646.37	0.000
–2 log likelihood value	4501.36	
Number of observations (unweighted)	13,442	

7. Summary and discussion

This paper has examined the trends in union dissolution in the Philippines using census and survey data. This data reveals that the number and proportion of Filipinos who are divorced and separated in the Philippines has been increasing over time, despite the lack of a divorce law in the country. This increasing trend of marital dissolution is also substantiated by administrative data on annulment and nullity cases filed at the Office of the Solicitor General. Despite the high economic and social cost of pursuing annulment and nullity cases in the Philippines, the number of Filipino couples that resorted to these legal avenues more than doubled between 2001 and 2014. Concomitant with the rising frequency of union dissolution cases in the Philippines is the growing phenomenon of cohabitation. In the past two decades the proportion of cohabiting Filipino women of reproductive age almost trebled, from 5.2% in 1993 to 14.5% in 2013 (NSO and Macro International Inc. 1994; Abalos 2014a; NSO and ICF

Macro 2014). The simultaneous increases in union dissolution and in this emerging mode of union formation in the Philippines are not coincidental. They are linked together in different ways. Increasing marital dissolution may have had a causal effect in producing an alternative form of union formation such as nonmarital cohabitation, especially among young people (Axinn and Thornton 1992). Filipinos may have become wary of entering formal unions because of their perceived growing fragility. In addition, the lack of a divorce law in the Philippines and the prohibitive cost of obtaining legal separation or annulment may have contributed to the rise of cohabitation in the country. For example, a study in Metro Manila revealed that one of the reasons why some respondents were cohabiting was that "one partner was already married" (Medina et al. 1996: 54). An alternative explanation is that the rise in union dissolution cases is due to the rise in cohabitation. Previous studies have shown that those who are in a consensual union are more likely to dissolve their union relative to their married counterparts (Andersson 2002; Heuveline, Timberlake, and Furstenberg 2003; Jensen and Clausen 2003). Given the increasing trend towards cohabitation in the country we would expect a surge in union dissolution cases, given the greater fragility of cohabiting relationships compared to formal marriages (Bumpass and Sweet 1989). Indeed, in the current data the majority of women who reported themselves as separated had actually been in consensual unions, and the proportion increased from 58% in 2008 to 67% in 2013. Finally, the growing public approval of divorce in the country could also have reduced the stigma associated with being divorced and separated, thus encouraging more Filipino women to end unsatisfactory unions.

This study has also examined the correlates of union dissolution in the Philippines. Multivariate analysis revealed that the type of union, level of education, childhood place of residence, religion, birth cohort, and ethnicity are all significantly associated with the experience of union dissolution by Filipino women of reproductive age. However, contrary to most studies, age at union did not emerge as a significant predictor of union breakdown among Filipino women. The exact reasons for this unexpected finding are yet to be explored, but it is clear that in the Philippine setting it is the type of union more than the age at union that predicts the likelihood of union dissolution. As has been shown in the multivariate analysis, Filipino women who cohabit in their first union and do not marry have higher odds of separating than those who are legally married. Whether the reason for this is that the legally married have a better quality of relationship and higher marital commitment compared to cohabiting couples remains unknown in the Philippine setting.

The influence of education on union dissolution in the Philippines is consistent with the expectation that in settings where union dissolution is relatively low and the cost of dissolution is high, better-educated women are more likely to end their unions. Higher education gives Filipino women the necessary economic resources to leave a

bad marriage. In fact, frequently the deciding factor among Filipino women when leaving their spouses is their ability to handle the financial consequences of the marriage breakdown (Mendez-Ventura 1981). In addition, only women with substantial financial resources can afford the high costs of obtaining legal separation or annulment in the Philippines. Although either party can initiate a dissolution, qualitative evidence indicates that among the highly educated who are legally separated from their spouses it is mostly the wives who initiated the legal process and paid for it (Escareal-Go 2014). Finally, considering the strong stigma attached to being divorced or separated in the Philippines, the sense of empowerment and independence afforded by higher education enables highly educated Filipino women to rise above this stigma.

The Filipino woman's childhood place of residence also has significant influence on her likelihood of experiencing union dissolution. Filipino women raised in urban areas are more likely to have their unions dissolved than their rural counterparts. The lower odds of dissolution of Filipino women reared in rural compared to urban communities could be attributed to the traditional values and beliefs instilled in them during their younger years (Medina 2015). Unlike women reared in urban settings, those raised in rural areas may also have been influenced by their parents and family members in their mate selection processes, and thus may have experienced much stronger social pressure to keep their unions intact.

Finally, religion and ethnicity also emerged as significant correlates of union dissolution among women in the Philippines. Muslim women are more likely to experience divorce or separation than Catholic women. This could be due to the lack of legal restrictions among Muslim women, since divorce is considered legal under Muslim law. The strong opposition of the Catholic hierarchy to divorce and separation may also have discouraged Filipino women from dissolving their unions. Finally, Ilonggo and Bicolano women have lower odds of experiencing union dissolution than their Tagalog counterparts. Tagalog women are mostly from the most highly urbanized area in the Philippines, Metro Manila, and their exposure to this urban environment may have raised their odds of experiencing union dissolution compared to their counterparts from less urbanized settings.

This study has several limitations. The cross-sectional nature of the data does not allow causal analysis between the independent and dependent variables used in the study. The date of union dissolution was not collected in the survey, so marriage duration was not controlled for in the multivariate analysis, although age at union was included in the model to indicate the duration of the union. The woman's employment status at the time the marriage was dissolved was also not asked in the survey, so this important variable was not included in the model. Other variables that may have an impact on marital dissolution, such as relationship quality, attitudes toward divorce, and income are also not captured in the study due to lack of data. Notwithstanding these

limitations, this study has documented the rise in union dissolution in the Philippines, and has investigated the factors associated with Filipino women's experience of union dissolution, thus improving our understanding of the changing character of union dissolution in the country.

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